

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

STEVEN MOTTA,

Plaintiff,

v.

9:06-CV-1047

**DR. LESTER WRIGHT, Deputy Commissioner
of Health Services, NYS DOCS; DR. SYED
HAIDER SHAH, Marcy Correctional Facility,**

Defendants.

APPEARANCES:

OF COUNSEL:

STEVEN MOTTA
82-A-1236
Clinton Correctional Facility
P.O. Box 2001
Dannemora, NY 12929
Plaintiff *Pro Se*

ANDREW M. CUOMO
Attorney General of the State of New York
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The Capitol
Albany, NY 12224
Attorney for Defendants Haider Shah and Wright

CHARLES J. QUACKENBUSH, ESQ.
Assistant Attorney General

NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge Gustave J. DiBianco, duly filed on the 29th day of April 2009. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The defendants' motion for summary judgment (Dkt. No. 29) is granted, and the complaint is dismissed in its entirety.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: May 20, 2009
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge